

the district court a libel praying seizure and condemnation of five cases of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 22, 1934, by the Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Parchment wrapper) "4 Oz. Net Weight"; (carton) "One Pound Net Weight Ferndale Creamery Butter Manufactured by Davis-Cleaver Produce Co., Quincy, Ill."

The article was alleged to be adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality, and had been substituted wholly or in part for the article.

Misbranding was alleged in that the statements, "4 Oz. Net Weight" and "One Pound Net Weight", were false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On October 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

23324. Adulteration of butter. U. S. v. 7 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 33611. Sample no. 4880-B.)

This case involved a shipment of butter that was found to contain maggots, parts of insects, animal hairs, wood splinters, mold, and other filth.

On September 20, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about September 17, 1934, by J. F. Livesay, from Morristown, Tenn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 3, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23325. Misbranding of salad oil. U. S. v. Five One-Half Gallon Cans, et al., of Salad Oil. Default decrees entered. Portion of product condemned and destroyed. Remainder delivered to charitable organizations. (F. & D. nos. 33612, 33613. Sample nos. 6770-B, 6771-B, 6775-B.)

These cases involved a product that consisted of domestic cottonseed oil, and olive oil, consisting essentially of domestic cottonseed oil, which was labeled to convey the impress that it was olive oil of foreign origin.

On October 4, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5 half-gallon cans, 23 quarter-gallon cans, and 16 gallon cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce, in various lots, on or about May 22, July 9, and August 7, 1934, by the Modern Packing Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Olio Fino Balbo Brand Tipo Lucca * * * Packed by Modern Packing Co. Brooklyn, N. Y." The remainder was labeled in part: "Olio Fino La Preziosa Brand Tipo Lucca."

Misbranding of the "Balbo Brand" was alleged for the reason that the statements, "Olio Fino Balbo Brand Tipo Lucca, * * * Fine Oil", together with the designs of olive branches and coat of arms with crown, appearing on the labels, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted essentially of domestic cottonseed oil, and this impression was not corrected by the inconspicuous statement at the bottom of the label, "Twenty Percent Olive Oil Eighty Percent Salad Oil." Misbranding of the "Le Preziosa Brand" was alleged for the reason that the statements, "Olio Fino La Preziosa Brand Tipo Lucca, * * * Fine Oil", together with

the designs of olive branches and coat of arms with crown, appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted essentially of domestic cottonseed oil. Misbranding was alleged with respect to both brands for the further reason that the article purported to be a foreign product when not so.

No claimant appeared for the property. On November 16, 1934, judgment was entered condemning the Balbo brand and ordering that it be destroyed. On December 20, 1934, the remaining lot was ordered delivered to charitable or relief organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

23326. Misbranding of alfalfa leaf meal. U. S. v. 58 Bags of Alfalfa Leaf Meal. Default decree of condemnation and destruction. (F. & D. no. 33622. Sample no. 8329-B.)

This case involved a shipment of alfalfa leaf meal that contained less protein and more fiber than declared on the label.

On or about October 4, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 bags of alfalfa leaf meal at Princess Anne, Md., alleging that the article had been shipped in interstate commerce, or on or about September 5, 1934, by the Fox Co., from Newfield, N. J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "California Alfalfa Leaf Meal Alfaleaf Brand Manufactured by National Mineral Products Co., Ltd., * * * Guaranteed Analysis Crude Protein, not less than 20.00 per cent * * * Crude Fibre not more than 18.00 per cent."

The article was alleged to be misbranded in that the statements on the tag, "Guaranteed Analysis Crude Protein not less than 20.00 per cent", and "Crude Fibre, not more than 18.00 per cent", were false and misleading and tended to deceive and mislead the purchaser.

On November 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23327. Misbranding of alfalfa leaf meal. U. S. v. 172 Bags and 400 Bags of Alfalfa Leaf Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33628. Sample nos. 8330-B, 8331-B.)

This case involved a shipment of alfalfa leaf meal that contained less protein and more crude fiber than declared on the label. The article was not leaf meal, as shown by the high crude fiber and low protein.

On or about October 4, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 572 bags of alfalfa leaf meal at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about June 26 and July 14, 1934, by the National Mineral Products Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "California Alfalfa Leaf Meal Alfaleaf Brand Manufactured by National Mineral Products Co., Ltd., * * * San Francisco, Calif. Guaranteed Analysis Crude Protein, not less than 20.00 per cent * * * Crude Fibre, not more than 18.00 per cent."

The article was alleged to be misbranded in that the statements on the tag, "Alfalfa Leaf Meal" and "Guaranteed Analysis Crude Protein, not less than 20.00 per cent * * * Crude Fibre, not more than 18.00 percent", were false and misleading and tended to deceive and mislead the purchaser, since it contained less protein and more fiber than declared, and since it was not leaf meal. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 13, 1934, the Baltimore Feed & Grain Co., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of until relabeled and inspected and approved by this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*